

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
 TITLE: INTERVERTEBRAL SPACING)
 IMPLANT SYSTEM)
 SERIAL NO.: _____) INFORMATION DISCLOSURE
) STATEMENT UNDER 37 C.F.R.
 FILED: January 22, 2002) \$ 1.97
 EXAMINER: _____)
 ART UNIT: _____)
)

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J1050 U.S. PTO
 10/055673
 01/22/02

Commissioner for Patents
 Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully invokes the Patent Office's obligation under 37 C.F.R. § 1.97 to consider these references and make them of record in the above-captioned application. While no representation is made that

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 Attorney Registration No. 36,468
 Attorney for Applicant

any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously cited by or submitted to the Office, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference not in the English language or unaccompanied by a translation into English is provided.

WO 94/26213 (Internationale Veröffentlichungsnummer) is believed to be potentially relevant to the above-captioned application because of the figures therein. Although the figures do not appear to teach or suggest the invention defined in any of the claims of the above-captioned application, the structural elements in the figures may appear to be potentially relevant to some of the disclosure contained in the above-captioned application.

WO 97/06753 (Internationale Veröffentlichungsnummer) is believed to be potentially relevant to the above-captioned application because of the figures therein. Although the figures do not appear to teach or suggest the invention defined in any of the claims of the above-captioned application, the structural elements in the figures may appear to be potentially relevant to some of the disclosure contained in the above-captioned application.

WO 97/15247 (Internationale Veröffentlichungsnummer) is believed to be potentially relevant to the above-captioned application because of the figures therein. Although the figures do not appear to teach or suggest the invention defined in any of the claims of the above-captioned application, the structural elements in the figures may appear to be potentially relevant to some of the disclosure contained in the above-captioned application.

In accordance with 37 C.F.R. § 1.98(c), all English translations, or portion thereof, within the possession, custody, control or ready availability of anyone designated in 37 C.F.R. § 1.56(c), of each nonenglish reference, if any, are also enclosed.

Statement of References Previously Disclosed
Under 37 C.F.R. § 1.98(d)

The references listed on the enclosed Form PTO-1449 are not required to be provided under 37 C.F.R. § 1.98(d), and are therefore not enclosed, because they were previously cited by or submitted to the Office in application number 09/592,072, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0836.

DATED this 22 day of January, 2002.

Respectfully submitted,



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